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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT PAPER NUMBER

2623

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,600

Applicant(s)

KNOBL, KARL-HEINZ

Examiner

Dominic D. Saltarelli

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 11, 2006 has been entered.

Response to Arguments

2. Applicant's arguments filed April 11, 2006 have been fully considered but they are not persuasive.

First, applicant argues that since Klosterman discloses only receiving programming information from appliances which receive programming information from an outside or external source, the combination cannot teach a cassette player, CD player, or digital audio tape player transmitting information about available audio/video presentations (applicant's remarks, page 12 3rd paragraph and page 13 1st paragraph).

In response, while the Klosterman reference alone does only teach receiving program guide information from external sources, this does not preclude a combination of Klosterman with the Tanihira reference (which teaches the inclusion of cassette players, CD players, and digital audio tape players, see

fig. 2) from meeting the claimed limitations. At the time, receiving information regarding available audio/video presentations from both external and internal or local sources was commonly known. Handelman et al. (6,312,336) shows in fig. 2A and col. 6 line 48 – col. 7 line 5 a system wherein information regarding available presentations is received from both external and local sources for display as a unified listing. Yuen et al. (6,147,715) also teaches receiving information from both an external and a local source regarding available audio/visual presentations (see col. 2 line 45 – col. 3 line 8 and col. 4 line 57 – col. 5 line 2, wherein EPG information is information about available audio/video presentations received externally and video tape index information is information about available audio/video presentations received from a local VCR). Therefore, when the combination of Tanihira and Klosterman is made to teach “receiving information about the available audio/visual presentations at the control unit which classifies the information into classes, wherein the information is provided by the source of the audio/visual presentations”, given the knowledge available to one of ordinary skill in the art at the time, this is inclusive of receiving said information from appliances which receive information from external sources and appliances which store audio/visual presentations locally.

Second, regarding claim 44, applicant alleges “The Examiner states that the original limitation of ‘a visual output unit’ in claim 1 is disclosed by Wakai.” and provides further arguments regarding differences between the claimed

invention and the Wakai reference based on this (applicant's remarks, page 14, 1st paragraph).

In response, the examiner has made no such statement. The claimed visual output unit of claim 1 was originally taught by the Tanihira reference and was cited as such (see fig. 6 of Tanihira, display unit 11d). The Wakai reference is only cited for teaching a device independent user interface.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 6, 11-15, 17-20, 27, 29, 31-34, 36, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira et al. (5,574,514, of record) [Tanihira] in view of Klosterman (5,923,362) and Wakai et al. (5,973,722, of record) [Wakai].

Regarding claims 1 and 44, Tanihira discloses an audio/video system (fig. 2), comprising:

A local area network (fig. 2, col. 5, lines 36-53) having a data network (bus 71 and fibers 77), a control bus (bus 71), and a plurality of nodes (connectors 72);

A plurality of audio/video appliances (fig. 2, appliances 31, 32, 33, 34, 35, 36 and 41, col. 4 line 61 – col. 5 line 25) each having available audio/video presentations, said audio/video appliances respectively operatively connected to said plural nodes (as seen in fig. 2) for transmitting information to said local area network (col. 5, lines 54-64), said audio/video appliances includes a cassette player, a CD player, and a digital audio tape player (fig. 2, appliances 32, 33, and 34);

Audio/video output units (fig. 2, monitor 63 and speakers, shown at the outputs of amplifiers 61 and 62) for outputting audio/video signals (col. 5 line 65 – col. 6 line 24);

A control unit (fig. 2, system control unit [SCU] 21) having a control program (fig. 5, running on controller 21a, col. 7, lines 20-24);

An operating unit (fig. 2, commander 11) connected to said control unit (through bus 71 shown in fig. 2); and

A visual output unit (fig. 6, display unit 11d).

Tanihira fails to disclose the appliances respectively transmit information about the available audio/visual presentations, the control unit has a memory which stores the information about the available audio/visual presentations and can classify the information into classes, and the visual output unit is operatively arranged for displaying the information about the available audio/video presentations independently of the appliances, thereby creating an appliance independent user interface.

In an analogous art, Klosterman teaches a program guide system wherein guide information is received from several sources, each of the sources respectively transmitting information about available audio/visual presentations (col. 2, line 63 – col. 3 line 10), said system includes a control unit (coordinator 20 in figs. 1A and 1B) with a memory which stores information about the available presentations and can classify the information into classes (col. 5 line 64 – col. 6 line 3, wherein the classes include the information which allows particular guides to be created, such as theme guides, col. 6, lines 18-36), providing the benefit of a sorted and organized list of available audio/visual presentations to a user (col. 3, lines 9-10).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira to include receiving information about the available audio/visual presentations at the control unit which classifies the information into classes, wherein the information is provided by the source of the audio/visual presentations, a memory in the control unit for storing said information, and the visual display unit is operatively arranged for displaying the information about the available audio/video presentations, as taught by Klosterman. The reason for doing so is to present a sorted and organized list of available audio/visual presentations to a user, simplifying the selection process.

Tanihira and Klosterman fail to disclose the user interface provided is appliance independent, providing information about available audio/video presentations independently of the appliances.

In an analogous art, Wakai teaches accessing audio/visual presentations from audio/visual sources from a control unit by a passenger (col. 19, lines 24-30 and col. 20, lines 30-44), wherein the presentations are presented to the passenger independently of the sources (media controller 104 maintains a master list of all available material, col. 19, lines 33-36, and passengers access the content of this list using on-screen menus, col. 20, lines 38-44, because the content data being accessed is actually stored across several servers, col. 19, lines 37-42), simplifying the selection of content by passengers by using a dynamic master list of all available content (the list of media controller 104).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira and Klosterman to include displaying the information about the available audio/video presentations independently of the sources of said presentations, as taught by Wakai, for the benefit of simplifying the selection of audio/visual presentations by presenting what is available, alleviating the complication of listing what all is available per appliance.

Regarding claim 27, Tanihira discloses a method for operating a local multimedia system (fig. 2) having a plurality of audio/video appliances which include a cassette player, CD player, and digital audio tape player (fig. 2, appliances 31, 32, 33, 34, 35, 36 and 41, col. 4 line 61 – col. 5 line 25), including the steps of:

Controlling the connections using a control unit (fig. 2, system control unit [SCU] 21, col. 7, lines 5-24)

Connecting the audio/video appliances and the control unit using a local network (fig. 2, col. 5, lines 36-53);

Connecting, by the control unit, audio/visual appliances to an output unit (connections are made via system control unit [SCU] 21 from the appliances to an output unit such as monitor 63, shown in fig. 2, col. 7, lines 20-24);

Selecting, using an operating unit (commander 11) connected the control unit (21), one the of available audio/video presentations (col. 6, lines 25-55); and

Playing back selected audio/video presentations via the output unit (col. 6, lines 13-17).

Tanihira fails to disclose transmitting information about available audio/video presentations from the audio/video appliances to the control unit, the information including one or more classifications of the audio/video presentations; processing, at the control unit, the information about the available audio/video presentations into classes using the classifications independently of the appliances; outputting the information about the available audio/video presentations which has been processed into classes independently of the appliances onto a visual output unit; and selecting by the control unit an audio/visual appliance which is suitable for playing back a selected audio/video presentation.

In an analogous art, Klosterman teaches a program guide system wherein guide information is received from several sources, each of the sources respectively transmitting information about available audio/visual presentations (col. 2, line 63 – col. 3 line 10), said system includes a control unit (coordinator 20 in figs. 1A and 1B) with a memory which stores information about the available presentations and can classify in the information into classes (col. 5 line 64 – col. 6 line 3, wherein the classes include the information which allows particular guides to be created, such as theme guides, col. 6, lines 18-36), providing the benefit of a sorted and organized list of available audio/visual presentations to a user (col. 3, lines 9-10).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Tanihira to include receiving information, including classification information, about the available audio/visual presentations at the control unit, wherein the information is provided by the source of the audio/visual presentations, processing the information about the available audio/video presentations into classes using the classifications, and outputting the information to a visual display unit, as taught by Klosterman. The reason for doing so is to present a sorted and organized list of available audio/visual presentations to a user, simplifying the selection process.

Tanihira and Klosterman fail to disclose classifying audio/video presentations independently of the appliances and selecting, by the control unit,

an audio/video appliance which is suitable for playing back the selected audio/video presentation.

In an analogous art, Wakai teaches accessing audio/visual presentations from audio/visual sources from a control unit by a passenger (col. 19, lines 24-30 and col. 20, lines 30-44), wherein the presentations are presented to the passenger independently of the sources (media controller 104 maintains a master list of all available material, col. 19, lines 33-36, and passengers access the content of this list using on-screen menus, col. 20, lines 38-44, because the content data being accessed is actually stored across several servers, col. 19, lines 37-42, thus the correct server is accessed automatically), simplifying the selection of content by passengers by using a dynamic master list of all available content (the list of media controller 104).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Tanihira and Klosterman to include displaying the information about the available audio/video presentations independently of the sources of said presentations and subsequently selecting an appliance which is suitable for playing back a selected presentation, as taught by Wakai, for the benefit of simplifying the selection of audio/visual presentations by presenting what all is available in a straightforward manner.

Regarding claims 3 and 29, Tanihira further discloses said operating unit comprises means for selecting (fig. 6, key input unit 11c) a selected one of the

available audio/video presentations (col. 7, lines 30-32) independently of the appliances (as taught by Wakai) and means for automatically retrieving the selected one of the available audio/video presentations using said control unit (fig. 5, control means being run on microprocessor 21a, col. 7, lines 5-19) such that all of said A/V appliances are operable using said operating unit (there is no teaching of restricting usage to certain controllers, thus all of the controllers have access to all of the appliances).

Regarding claim 4, Wakai additionally teaches a plurality of audio/video output units for outputting audio/video signals (seat peripherals which deliver audio/video content to passengers, col. 7, lines 47-62), enabling different audio/video presentations to be delivered to multiple passengers simultaneously (col. 8 line 54 – col. 9 line 21).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Tanihira, Klosterman, and Wakai to include a plurality of audio/video output units, as taught by Wakai, for the benefit of delivering different audio/video presentations to multiple passengers concurrently.

Regarding claim 6, Tanihira further discloses a plurality of operating units (commanders 11 and 12 in fig. 2) connected to said control unit (SCU 21).

Regarding claims 11 and 32, Tanihira further discloses said control unit comprises means for reducing, then restoring, volume when the selected one of the available audio/video presentations is changed (col. 10 line 55 – col. 11 line 22).

Regarding claim 12, Tanihira, Klosterman, and Wakai disclose the system of claim 1, and Tanihira further discloses said operating unit comprises a start playback function (play key) and a change volume function (volume up/down key) (col. 7, lines 46-58), but Tanihira, Klosterman, and Wakai fail to disclose a stop playback function.

Examiner takes official notice that stop playback functions are notoriously well known in the art, such as pause keys which temporarily suspend the playback of recorded material, stop keys which halt the playback of recorded material, and power keys that power down a system, thus stopping the playback of any active presentation, enabling a user to stop playback of a presentation whenever desired.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Tanihira, Klosterman, and Wakai to include a stop playback function, for the benefit of enabling a user to stop playback of an audio/video presentation whenever desired.

Regarding claims 13 and 33, Tanihira, Klosterman, and Wakai disclose the system and method of claims 1 and 27, and further disclose the network is a ring network (as seen in fig. 2 of Tanihira, wherein the combination of bus 71 and bus 77 comprise a complete, closed loop ring network).

Regarding claim 14, Tanihira further discloses said audio/video system is in a motor vehicle (col. 2 line 66 – col. 3 line 6).

Regarding claim 15, Tanihira further discloses one of said plural audio/video appliances is operatively arranged for reading map data for a navigation system (col. 9 line 64 – col. 10 line 17).

Regarding claim 17, Tanihira further discloses available presentations (and thus classes) comprise radio stations (from AM/FM tuner 36 in fig. 2) and TV stations (from TV tuner 41 in fig. 2).

Regarding claim 18, Klosterman additionally discloses one of the classes of presentations includes a type of presentation (for the theme guide, col. 6, lines 18-36).

Regarding claim 19, Tanihira additionally discloses one of the classes of presentations includes music titles (from cassette player and CD players 32 and 33 shown in fig. 2).

Regarding claim 20, Tanihira further discloses available presentations include information which is not continuously available, as the information from the AM/FM tuner 36 and the TV tuner 41 in fig. 2 are only available at the times the information is being broadcast, and thus a class which accesses these sources is a class for information which is not continuously available.

Regarding claim 31, Tanihira further discloses means for connecting an audio/video appliance to an audio/video output unit (software running on controller 21a in fig. 5, col. 7, lines 5-24), wherein when two devices provide the same information (same audio/video presentations, such as audio sources that provide the same information but one is superior to the other, col. 5, lines 4-9), the device with the highest priority provides the information to the output unit (only the highest priority devices 'survive' request conflicts, col. 12, lines 25-27).

Regarding claim 34, Tanihira, Klosterman, and Wakai disclose the method of claim 27, wherein Tanihira further discloses available presentations comprise radio stations (from AM/FM tuner 36 in fig. 2) and TV stations (from TV tuner 41 in fig. 2) and information which is not continuously available, as the information

from the AM/FM tuner 36 and the TV tuner 41 in fig. 2 are only available at the times the information is being broadcast, thus the classifications include classifications for radio (music titles) and TV stations, classifications for the type and audio and video presentations available (Klosterman's theme guides require classification by type, col. 6, lines 18-36) and classifications for information which is not continuously available (scheduled broadcast material).

Regarding claim 36, Tanihira, Klosterman, and Wakai disclose the method of claim 27, wherein the number of classes is expandable (Klosterman teaches the structured framework by which data regarding available presentations is stored is generated dynamically by the coordinator, col. 5 line 64 – col. 6 line 3).

5. Claims 2 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Klosterman, and Wakai as applied to claims 1 and 27 above, and further in view of Rowe et al. (5,623,613) [Rowe].

Regarding claims 2 and 28, Tanihira, Klosterman, and Wakai disclose the system and method of claims 1 and 27, but fail to disclose each class includes at least one subclass and wherein said audio/visual output unit displays the class, the subclasses for a selected class, and names for ones of said audio/video presentations in a selected class and subclass.

In an analogous art, Rowe teaches a program guide that displays the class, the subclasses for a selected class, and names for ones of said

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audio/video presentations in a selected class and subclass (figs. 2-8), for the benefit of assisting a user in easily finding desired audio/visual presentation (col. 2, lines 34-50 and col. 5, lines 10-23).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method disclosed by Tanihira, Klosterman, and Wakai to include in each class, subclasses, which upon selection of a subclass would display to the user on the audio/visual display unit the names for the presentations within said selected class and subclass, as taught by Rowe, for the benefit of more easily locating and selecting desired presentations.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Klosterman, and Wakai as applied to claim 4 above, and further in view of Katayama et al. (6,141,036, of record) [Katayama].

Regarding claim 5, Tanihira, Klosterman, and Wakai disclose the system of claim 4, but fail to disclose said operating unit comprises means for selecting one of said plural audio/visual output units.

In an analogous art, Katayama teaches enabling a user to select a desired output device for playback of output from an image reproducing means through selection from a displayed menu (col. 8 line 64 – col. 9 line 7), granting a user control over where content is displayed.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Klosterman, and Wakai to include

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means for selecting an output unit, as taught by Katayama, for the benefit of enabling a user to display a requested audio/visual presentation at whichever output unit the user desires.

7. Claims 7, 8, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Klosterman, and Wakai as applied to claims 6 and 27 above, and further in view of Ishiguro et al. (4,751,581, of record) [Ishiguro].

Regarding claim 7, Tanihira, Klosterman, and Wakai disclose the system of claim 6, but fail to disclose each of said plural operating units is assigned a priority.

In an analogous art, Ishiguro teaches controlling an output unit (a television) with several operating units (remote control and a manual input device, col. 5, lines 30-38), wherein the operating units are assigned priority (col. 5, lines 38-45), providing conflict resolution if control signals are received concurrently by providing means to select only one (col. 5, lines 52-68).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Klosterman, and Wakai to include assigning priority to the operating units, as taught by Ishiguro, for the benefit of providing a means of conflict resolution when receiving commands from the plurality of operating units.

Regarding claim 8, Ishiguro further teaches a selection made using an operating unit with a high priority is prevented from being modified by another operating unit have a lower priority (upon receiving conflicting selections, the selection made by the lower priority device is discarded, col. 5, lines 52-68).

Regarding claim 30, Tanihira, Klosterman, and Wakai disclose the method of claim 27, but fail to disclose each of said plural operating units is assigned a priority and a selection made using a first operating unit with a first priority is only modified is done using an operation unit with higher priority.

In an analogous art, Ishiguro teaches controlling an output unit (a television) with several operating units (remote control and a manual input device, col. 5, lines 30-38), wherein the operating units are assigned priority (col. 5, lines 38-45), wherein a selection made using an operating unit with a high priority is prevented from being modified by another operating unit have a lower priority (upon receiving conflicting selections, the selection made by the lower priority device is discarded, col. 5, lines 52-68), providing conflict resolution if control signals are received concurrently by providing means to select only one (col. 5, lines 52-68).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Tanihira, Klosterman, and Wakai to include assigning priority to the operating units and a selection made using a first operating unit with a first priority is only modified is done using an operation unit

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with higher priority, as taught by Ishiguro, for the benefit of providing a means of conflict resolution when receiving commands from the plurality of operating units

8. Claims 9, 10, 24, 25, and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Klosterman, and Wakai as applied to claims 3 and 27 above, and further in view of Edson (6,526,581, of record).

Regarding claim 9, Tanihira, Klosterman, and Wakai disclose the system of claim 3, and further disclose the audio/visual appliances have priority (Tanihira, col. 5, lines 30-35), but fail to disclose said control unit is operatively arranged for assigning a priority to each of said plural audio/video appliances.

In an analogous art, Edson discloses a gateway device which assigns priorities to different services (col. 9, lines 25-33), allowing the device which connects services to output devices to enable services which are more immediate, urgent, needed, or necessary to take precedence over services which are less so in a flexible manner.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Klosterman, and Wakai to operatively arrange the control unit to assign priority, as taught by Edson, for the benefit of enabling the control unit which connects services to output devices to enable services which are more immediate, urgent, needed, or necessary to take precedence over services which are less so in a flexible manner.

Regarding claim 10, Tanihira further discloses means for connecting an audio/video appliance to an audio/video output unit (software running on controller 21a in fig. 5, col. 7, lines 5-24), wherein when two devices provide the same information (same audio/video presentations, such as audio sources that provide the same information but one is superior to the other, col. 5, lines 4-9), the device with the highest priority provides the information to the output unit (only the highest priority devices 'survive' request conflicts, col. 12, lines 25-27).

Regarding claims 24, 25, and 38-42, Tanihira, Klosterman, and Wakai disclose the system and method of claims 1 and 27, wherein the presence of a first service module for selecting a suitable audio/video appliance for playing back the selected audio/video presentation is an inherent feature of the disclosed combination, because Wakai teaches selection of presentations is performed independently of the source of the presentation (as described regarding claims 1 and 27), thus requiring the presence of a software module running on the controller (Tanihira, controller 21a in fig. 5) or equivalent device to identify the suitable appliance for playing back the selected presentation by whatever means necessary. Tanihira, Klosterman and Wakai fail to disclose said control program comprises a plurality of service modules which comprise a second service module for selecting and managing said output unit; a third service module for connecting the network's node addresses stipulated by the selection of the first

and second service modules; and a fourth service module which requests the function of the first second, and third service modules.

In an analogous art, Edson teaches a control unit (fig. 1, gateway 13) which interconnects a plurality of devices in a network (col. 7, lines 36-43) and includes a service module for selecting and managing output units (output units are any device which displays information whose source is another device on the network, such as described in col. 11, lines 30-40 where a PC displays web pages from a data device within the network, and the service module is the means by which said output unit is identified and managed, the application program interface, or API, col. 8, lines 3-11), a service module for connecting node addresses (router 103, col. 10, lines 55-65), and a service module for calling and coordinating all other resident service modules (the operating system, col. 11 lines 3-19). Implementation of such service modules is utilizing an open API type interface, which facilitates the addition of new types of devices for communication via the network (col. 12, lines 50-56).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method and Tanihira, Klosterman, and Wakai to include a second service module for selecting and managing said output unit; a third service module for connecting the network's node addresses stipulated by the selection of the first and second service modules; and a fourth service module which requests the function of the first second, and third service modules, as taught by Edson, for the benefit of implementing an open API type

interface which facilitates the addition of new types of devices for communication via the network, increasing the flexibility of the network.

9. Claims 21 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Klosterman, and Wakai as applied to claims 1 and 34 above, and further in view of Looney et al. (6,232,539, of record) [Looney].

Regarding claims 21 and 35, Tanihira, Klosterman, and Wakai disclose the system of claim 1, but fail to disclose a single audio/visual presentation is assigned to a plurality of classifications.

In an analogous art, Looney teaches classifying content into categories (seen in fig. 13, such as classical, jazz, and folk), and also classifying into more general types as well (seen in fig. 13, such as dance, SP dance, and energy), and music titles include classification information which places the titles into more than one such class (titles include information which places them according to category, style, dance type, speed, and energy, col. 11, lines 10-16), enabling users to more effectively find desired titles when selecting by category by removing strict limitations imposed by exclusive categories on the location of titles, as one title could be found in multiple categories if it meets the criteria for each (col. 10 line 63 – col. 11 line 16).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Klosterman, and Wakai to include assigning an audio/video presentation to a plurality of classifications, as taught

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by Looney, for the benefit of enabling users to more effectively find desired audio/visual presentations categorically.

10. Claims 22, 23, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Klosterman, and Wakai as applied to claims 1 and 27 above, and further in view of Beckert et al. (WO 99/35009, of record) [Beckert].

Regarding claim 22, Tanihira, Klosterman, and Wakai disclose the system of claim 1, but fail to disclose the local area network comprises an open system.

In an analogous art, Beckert teaches utilizing an open system for a local area network (page 6, lines 13-17), enabling the interoperation of various applications and hardware devices by the network which can all come from various independent vendors and subsequently installed at any time (page 6, lines 13-23).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Klosterman, and Wakai implement the local area network as an open system, as taught by Beckert, for the benefit of maximizing the flexibility and upgradeability of the system through the interoperation of different devices from different vendors, said devices thus enabled to be replaced, added, or upgraded at any time.

Regarding claims 23 and 37, Tanihira, Klosterman, and Wakai disclose the system of claims 1 and 27, but fail to disclose said control unit comprises virtual interfaces for each of said audio/visual appliances.

In an analogous art, Beckert teaches using an application program interface (API) for supporting a plurality of different sources in an entertainment system, wherein the use of an API establishes virtual interfaces that enable communications between requesting applications and source devices (page 22, lines 9-15). Using an API frees an application from having to know the hardware and implementation details of the information sources (page 22, lines 9-12), increasing the flexibility of the system by allowing for the connection of diverse source devices.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method disclosed by Tanihira, Klosterman, and Wakai to include virtual interfaces for each of the audio/video appliances in the control unit, as taught by Beckert, for the benefit of increasing the flexibility of the system by allowing for the connection of diverse audio/visual appliances.

11. Claims 26 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Klosterman, and Wakai as applied to claims 1 and 27 above, and further in view of Becker (6,157,725, of record).

Regarding claims 26 and 43, Tanihira, Klosterman, and Wakai disclose the system of claims 1 and 27, but fail to disclose said control program comprises a registration module for registering newly connected audio/video appliances.

In an analogous art, Becker teaches a registration module (running in control unit 2 in fig. 1) which tracks and records the removal, replacement, and addition of audio/visual units to and from the network (col. 9, lines 43-48), keeping the known system configuration current.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method disclosed by Tanihira, Klosterman, and Wakai to include a registration module, as taught by Becker, for the benefit of maintaining a current knowledge base of system configuration.

12. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanihira, Klosterman, and Wakai as applied to claims 1 and 27 above, and further in view of Kawamura et al. (EP 0 560 593 A2, of record) [Kawamura].

Regarding claim 16, Tanihira, Klosterman, and Wakai disclose the system of claim 1, but fail to disclose the audio/video system comprises a home multimedia system.

In an analogous art, Kawamura teaches an audio/visual system (fig. 18) that is a home multimedia system (col. 20 line 53 – col. 21 line 22), enabling users to enjoy the benefits of a comprehensive audio/visual system from their homes.

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It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Tanihira, Klosterman, and Wakai implement the audio/video system as a home multimedia system, as taught by Kawamura, for the benefit of enabling users to enjoy the benefits of the disclosed comprehensive audio/visual system from their homes.

Conclusion

13. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7353755.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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